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June 22, 2001

Mr. Daniel Backman
94-872 Lumiholoi Street
Waipahu, Hawaii 96797

Re: Claimant: Daniel Backman
Employer: First Insurance Co. of Hawaii, Ltd.
Accident: 07/31/97
Case No.: 7-99-00534
Claim No.: 2J029128
Our File No.: 00-001-32

DENIAL OF REQUEST FOR SURGERY

Dear Mr. Backman:

Employer/Adjuster denies your request for surgery at C4-5. Pursuant to Dr. Stephen Holmes' report dated June 6, 2001 (enclosed) and his review of the imaging studies, there are no specific changes at C4-5 to suggest a need for surgery at that level. He diagnosed mild diffuse degenerative disc disease and previous solid bony effusion at C4-5 foraminal or canal stenosis. His interpretation is consistent with Dr. Matthew Yuh who interpreted the MRI and found no significant central canal stenosis or neural foraminal narrowing at C4-5.

Also, according to Dr. Peter Diamond in his report dated March 7, 2001 (enclosed), he questions whether surgery will resolve your symptoms because it does not appear that the radiating symptoms which you complain about are attributable to a surgically correct neural condition at the C4-5 level. For example, your complaints of neck pain radiating to the bilateral shoulders, left better than right, numbness and tingling in the left fourth and fifth fingers are not in the C4-5 distribution. Thus, your request for surgery is denied.

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Should you or your physician Dr. Jon F. Graham disagree with Employer/Adjuster's position, you may submit a written request for a hearing within fourteen (14) calendar days of the date of this denial. Failure to do so shall be construed as an acceptance of Employer/Adjuster's position.

Thank you for your time and attention. Should you have any questions, please contact us.

Very truly yours,

WONG, OSHIMA & KONDO

Leighton K. Oshima
Leighton K. Oshima
Darlene Y.F. Itomura

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Enclosures (2)

cc: Mr. Ty Nojima (JMC)

Disability Compensation Division (w/encls.)

Jon F. Graham, M.D. (w/encls.)

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